IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE Ms. JUSTICE : G.ROHINI

WRIT PETITION No. 6406 of 2004

Between:

1 Smt.Varikuppala Lakshmamma W/o Varikuppala Ramulu
2 Smt.Varikuppala Ushamma W/o Varikuppala Srisailam
3 Smt.Varikuppala Bhulakshmi W/o Varikuppala Satyamma
4 Varikuppala Anjamma W/o Varikuppala Krishnaiah
5 Gogula Thirpathamma W/o Gogula Sathaiah
6 Sapangi Lakshamma W/o Sapangi Lakshmaiah
7 Sampangi Pushapamma W/o Sapangi Venkataiah
8 Orsu Vanemma W/o Orsu Srinaiah
9 Derangula Lakshmamma W/o Derangula Ramesh
10 Erruguthindla Vajramma W/o Erugudindla Venkatesh
(All are residents of Vinayakanagar , Survey No.403, Jubilee Hills, Shaikept Village and Mandal, R.R. Dist)

..... PETITIONERS

AND

1 The Secretary to Govt. of A.P. (Poll) General Administration Department (I & PR) Dept., Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy Dist, Khairatabad, Hyderabad.
3 The Manager, M/s Anand Cine Services, C-19, Film Nagar, Jubilee Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or a direction or a writ more particularly one in the nature of Wit of Certiorari quashing the G.O.Ms.No.355, dt. 21st day of August, 2001 issued by the Government of Andhra Pradesh, represented by the first respondent herein as it is violative to Constitution of India, principles of natural justice.

For the Petitioners : Mr.Y.VISWESWARA RAO, ADVOCATE
For the Respondents 1 & 2: G.P. FOR REVENUE

Counsel for Respondent No.3 : Mr.K.Ramakanth Reddy, Advocate

The Court made the following :

ORDER: (per the Hon'ble the Chief Justice Sri Devinder Gupta)

The petitioners (10) in number have chosen to file this writ petition purporting to be Public Interest Litigation. They are questioning the legality and validity of G.O.Ms.No.355 dated 21st August 2001 issued by the State Government in respect of land in Survey No.403, Jubilee Hills, Shaikpet village and mandal. Assignment in favour of third respondent is challenged by the petitioners alleging that they are living in huts in the said survey number and there are nearly 40 to 50 other daily wage earners living in the huts. The area, according to them, is a hillock area around a tank called 'Durgam Chervu'. Petitioners allege that they have no other movable or immovable properties. They are solely dependant on their daily wages. They could not build any houses; therefore they have occupied the land. Thus, in this Public Interest petition, they are questioning the competence of the State Government to assign the land in favour of third respondent on number of grounds. They allege that the said land ought not to have been assigned to the third respondent. The rate charged to third respondent is too meager and that for the purpose for which it has been assigned to third respondent will have the effect of destroying the heritage, etc.

A similar writ petition No.7583 of 2004 filed by one P.Rama Rao and another daily wage earners challenging similar G.O.Ms.No.226 dated 26.3.1991 alleging that the land assigned to Respondents 3 to 5 therein, was dismissed by us on the ground that such a petition would not be maintainable on behalf of those who have some interest in the property.

In the instant case also, petitioners are persons interested in the land. They claim that they are squatting on the land and for that reason it should not be assigned to a third person. They cannot be heard to say

that Government has realized less amount than what could have been realized from assigning the said land. They are also not claiming any right in the land. Simply their interest is that they should not be disturbed from the land, otherwise they have got no right.

Needless to mention here that the other writ petition No. 7583 of 2004 was also filed on the same ground.

We do not find any force in this writ petition. Accordingly we proceed to dismiss the same. Writ Petition is dismissed and the interim order is vacated.

_____

DEVINDER GUPTA, C.J

_____

G.ROHINI, J

Dated: 6th July 2004.

NMR/DA

To

1 The Secretary to Govt. of A.P. (Poll) General Administration Department (I & PR) Dept., Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy Dist, Khairatabad, Hyderabad.
3 The Manager, M/s Anand Cine Services, C-19, Film Nagar, Jubilee Hills, Hyderabad.
4 Two CCs to the G.P. for Revenue, High Court of A.P. Hyderabad.
5 Two CD copies.